

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

| | | |
|-------------------------------|---|------------------------|
| CLAUDIA M. SCHOEDEL, | : | |
| Plaintiff | : | |
| | : | |
| vs. | : | CIVIL NO. 1:CV-09-2227 |
| | : | |
| CHASE MANHATTAN BANK, et al., | : | |
| Defendants | : | |

MEMORANDUM

The pro se plaintiff, Claudia M. Schoedel, has filed a complaint against the defendants asserting various state-law claims for relief. She alleges that she “and some of the Defendants reside and/or work in Harrisburg, Pennsylvania, PA.” (Compl. ¶ 1), and rests our jurisdiction on the fact that there are “parties . . . located both in and outside of the State of Pennsylvania.” (*Id.* ¶ 5). Plaintiff has also applied for in forma pauperis status.

We will grant the latter request but will dismiss this case because we lack jurisdiction of it. Plaintiff’s state-law claims require diversity jurisdiction, namely, that the matter in controversy exceeds the value of \$75,000 and is between “citizens of different States.” 28 U.S.C. § 1332(a)(1). There must be complete diversity of citizenship, meaning that none of the defendants can reside in the same state as the Plaintiff. See *Kaufman v. Allstate New Jersey Ins. Co.*, 561 F.3d 144, 148-49 (3d Cir. 2009). Complete diversity is lacking here because Plaintiff and some of the defendants are citizens of Pennsylvania.

We will therefore issue an order dismissing this case for lack of jurisdiction but without prejudice to Plaintiff's filing it in state court.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: December 8, 2009

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O R D E R

AND NOW, this 8th day of December, 2009, it is ordered that:

1. Plaintiff's application (doc. 2) to proceed in forma pauperis is granted.
2. The complaint (doc. 1) is dismissed for lack of jurisdiction and without prejudice to Plaintiff's filing a state-court action raising the same claims for relief.
3. The Clerk of Court shall close this file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge